

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Proceeding by the Department of Telecommunications and Energy on its own Motion to Implement the Requirements of the Federal Communications Commission's Triennial Review Order Regarding Switching for Mass Market Customers

**D.T.E. 03-60**

**RCN-BECOCOM, LLC'S PETITION TO INTERVENE**

Pursuant to 220 C.M.R. § 1.03, counsel for RCN-BecoCom, LLC ("RCN") hereby petitions the Department of Telecommunications and Energy ("Department") to intervene in the above-referenced proceeding, stating in support thereof the following:

1. RCN is a facilities-based telecommunications carrier in Massachusetts that provides telecommunications services as a Competitive Local Exchange Carrier ("CLEC") and interexchange carrier, and also offers residential video programming and Internet access services. In provisioning its services, RCN utilizes Verizon's transport facilities that are currently made available to RCN as unbundled network elements ("UNEs") pursuant to 47 U.S.C. § 251(c)(3). RCN currently serves communities in the metropolitan Boston area including Allston, Arlington, Boston, Brighton, Brookline, Burlington, Dedham, Framingham, Hyde Park, Lexington, Natick, Needham, Newton, Roslindale, Somerville, Wakefield, Waltham, Watertown, West Roxbury and Woburn.

3. On August 26, 2003, the Massachusetts Department of Telecommunications and Energy ("Department") initiated this nine month proceeding to implement the FCC's Triennial Review Order regarding switching for mass market customers. On September 9, 2003, the Department expanded the scope of the proceeding to address loops, transport and hot cut issues. Consistent with the Triennial Review Order, it is expected that the Department will investigate whether switching to mass market customers and certain DS1, DS3, and dark fiber loops and transport routes are available to CLECs as UNEs.

4. RCN requests that it be permitted to intervene as participant in this proceeding so that it may represent and protect its interests during it. RCN will be substantially and specifi-

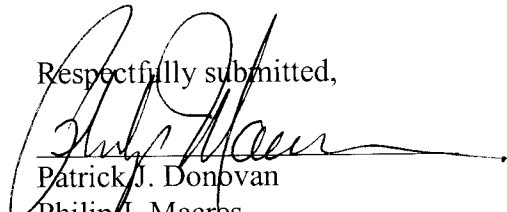
cally affected by the Department's review and decision in this docket because it is a customer and competitor of Verizon. Any changes to the availability of UNEs or the rates, terms and conditions in using them directly affect RCN's ability to compete with Verizon. In this proceeding, RCN seeks the opportunity respond and possibly submit supporting evidence regarding any proposed changes that limit the availability various UNEs, especially transport, that are critical to its business plan. Therefore, RCN's interests cannot be adequately represented without the Department granting this petition.

5. In making this request, RCN asks that all communications and correspondence for this proceeding be directed to the undersigned counsel and the following individuals at RCN:

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**WHEREFORE**, RCN respectfully requests that the Department grant it the right to intervene in this proceeding.

Respectfully submitted,



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Dated: September 15, 2003